

Application No.: 10/532,146  
Amendment Date: August 2, 2007  
Reply to Office Action of: May 2, 2007

MAT-8688US

**Remarks/Arguments:**

Claims 1-3 and 5-15 are pending in the above-identified application. Claim 4 is cancelled. Claim 1 has been amended to include the features which were previously found in claim 4. Thus, this amendment raises no new issues.

**Rejection in view of Olson et al., and Siegel**

Claims 1, 4-5, 12 and 14-15 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson et al. and Siegel. The rejection of claim 4 is moot due to the cancellation of this claim.

**Claim 1**

Claim 1 is amended to include the features of claim 4, namely:

... wherein the information transmission part divides the effect of movement into a plurality of ranks and transmits the stored information by a predetermined power according to each one of the ranks.

Basis for these amendments may be found, for example, in claim 4. With regard to claim 1, neither Olson et al., Siegel, nor their combination disclose or suggest, "...the information transmission divides the effect of movement into a plurality of ranks and transmits the stored information by a predetermined power according to each one of the ranks.

Applicants exemplary embodiment includes an information transmission part 1103 that changes the information transmittable distance, for example, in three ranks, in response to a speed for transmitting information. (Page 4, lines 21-23). The three ranks, corresponding to the **moving speed ("effect of movement")** are shown in Fig. 5. In other words, apparatus 41 selects mode "1" (**corresponding to the first rank**) when it moves at the speed of 0.1 - 1.0 meter/second (m/sec), then transmits information at a distance of 2 meters therefrom. When apparatus 41 moves at the speed of 1.1 - 3.0 m/sec, it selects mode "2" (**corresponding to the second rank**) and transmits information at a distance of 4 meters therefrom. When apparatus 41 moves at the speed of not less than 3.1 m/sec, it selects mode "3" (**corresponding to the third**

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**rank**) and transmits information at a distance of 6 meters therefrom. The information transmission part of apparatus 41 can change an information transmittable distance by changing a transmission voltage ("predetermined power"). (Page 7, lines 9-19). Thus, "...the information transmission part divides the effect of movement into a plurality of ranks and transmits the stored information by a predetermined power according to each one of the ranks..."

The Examiner argues that Olson et al. divides the effect of movement into a plurality of ranks at Fig. 4. Fig. 4, does not however, divide the effect of movement into a plurality of ranks. Fig. 4 includes a list **driving directions** towards a destination. That is, the heading of north is taken for 20 miles, followed by the heading of east for 30 miles and then the heading of north is taken for 10 miles. The headings and distances do not, however, "...divide the effect of movement into a plurality of ranks..." Thus, claim 1 is allowable over the art of record. Claim 5 depends from claim 1. Accordingly, claim 5 is also allowable over the art of record.

#### **Claim 12**

With regard to claim 12, neither Olson et al., Siegel, nor their combination disclose or suggest, "...sensing an effect of movement **of an information transmitting apparatus...**" (Emphasis added). Olson et al. includes a distance sensor 52 coupled to the transmission of a vehicle. However, distance sensor 52 detects the velocity of the vehicle. (Para. [0027], lines 26-29 and Para. [0032], lines 16-18). The distance sensor 52 does not detect the velocity of the transmitter. Thus, Olson et al. does not sense an effect of movement of the information transmitting apparatus.

Siegel includes a first sensor that registers data on the speed and direction **of an emergency vehicle**. (Para. [0032]). Thus, Siegel also does not recite "...sensing an effective movement **of an information transmitting apparatus...**" Thus, claim 12 is allowable over the art of record. Claims 14 and 15 depend from claim 1. Accordingly, claims 14 and 15 are also allowable over the art of record.

#### **Rejection in view of Olson et al., and Siegel and Westerlage et al.**

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Claims 2, 6 and 13 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson et al. and Siegel and Westerlage et al. Claims 2, 6 and 13 are allowable, however, because they depend from an allowable claim.

**Rejection in view of Olson et al., and Siegel and Streimer**

Claim 3 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson et al. and Siegel and Streimer. Claim 3 is allowable, however, because it depends from an allowable claim.

**Rejection in view of Olson et al., Siegel and Fitzgibbon et al.**

Claims 7-9 and 11 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson et al., Siegel and Fitzgibbon et al.

**Claim 7**

With regard to claim 7, neither Olson et al., Siegel and Fitzgibbon et al. disclose or suggest, "... a sensing part for sensing an effect of movement **of the information transmitting apparatus** ..." (Emphasis added). Olson et al. and Siegel are described above. Fitzgibbon et al. includes a control circuit which is used to compare previously acquired thumbprint data with incoming thumbprint data. Fitzgibbon et al. also does not disclose or suggest, "... a sensing part for sensing an effect of movement **of the information transmitting apparatus...**" Thus, claim 7 is allowable over the art of record. Claim 8 depends from claim 7. Accordingly, claim 8 is also allowable over the art of record.

**Claim 9**

Claim 9, while not identical to claim 7, includes features similar to those set forth above with regard to claim 7. Thus, claim 9 is also allowable over the art of record for reasons similar to those set forth above with regard to claim 7.

**Claim 11**

Claim 11 depends from claim 9. Accordingly, claim 11 is also allowable over the art of record. Claim 11 includes patentable features in addition to the features of claim

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9, namely, "...the information transmission part divides the effect of movement into a plurality of ranks..." These patentable features are described above with regard to claim 1.

**Rejection in view of Olson et al., Siegel, Fitzgibbon et al. and Westerlage**

Claim 10 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Olson et al., Siegel, Fitzgibbon et al. and Westerlage. Claim 10 is allowable, however, because it depends from an allowable claim.

In view of the amendments and arguments set forth above, the above-identified application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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